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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

- - - - -	-x	
	:	
UNITED STATES OF AMERICA,	:	
	:	AMENDED
Plaintiff,	:	<u>COMPLAINT</u>
	:	
v.	:	08 Civ. 3210
	:	(SAS) (RLE)
FARA FARAHMAND, UNDERWRITERS AT	:	
LLOYD'S, and PATRICK J. MALONEY,	:	ECF CASE
	:	
Defendants.	:	
	:	
- - - - -	-x	

Plaintiff, United States of America ("the United States" or "the Government"), by and through its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, for its amended complaint herein alleges upon information and belief as follows:

INTRODUCTION

1. This is an interpleader action brought by the United States to return recovered stolen property to its rightful owner or owners. The initial complaint in this action was filed on April 1, 2008. Subsequent to the filing of the initial complaint, Plaintiff was contacted by counsel for Underwriters at

Lloyd's, Patrick J. Maloney, and informed that he had been assigned any rights to property owned by Underwriter's at Lloyd's.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1335 and 1345, and Rule 22 of the Federal Rules of Civil Procedure. The value of the property held by the United States exceeds \$500.00.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b), in that the property is located within the jurisdiction of the Southern District of New York.

THE PROPERTY

4. The property that is the subject of this action ("Property") consists of a painting by Bartolomeo Passarotti entitled "The Mocking of Christ."

5. The Property is in the custody of the United States in the possession of the Federal Bureau of Investigation ("FBI").

THE PARTIES

6. The United States is a sovereign and body politic.

7. Defendant Fara Farahmand ("Farahmand") does business in New York and is represented by Javier Solano, Empire State Building, 350 Fifth Avenue, Suite 5900, New York, New York 10118.

8. Defendant Underwriters at Lloyd's is represented by Patrick J. Maloney, 199 Kildare Road, Garden City, New York 11530..

9. Defendant Patrick J. Maloney maintains an office at 199 Kildare Road, Garden City, New York 11530.

FACTS

10. In 2004, the Property was stolen from an art gallery in Italy.

11. In 2004, defendant Underwriters at Lloyd's paid the art gallery for a theft claim.

12. Underwriters at Lloyd's assigned their rights in the Property to Patrick J. Maloney.

13. In 2004, the Property was transported to the United States by Antonio Coehlo ("Coehlo"), a Brazilian citizen.

14. Farahmand paid Coehlo \$30,000.00 for the Property.

15. On or about November 29, 2004, Farahmand, doing business as Fara's Antique's & Watches, consigned the Property to international auction house Christie's ("Christie's") in New York, New York.

16. Christie's published its intention to sell the Property at auction.

17. Christie's was notified that the Property was stolen property and consequently removed the Property from auction.

18. The FBI recovered the Property from Christie's.

19. The Property was retained in the custody of the United States and has remained in the custody of the United States to date.

20. The defendants claim an interest in the Property.

21. By virtue of the above claims, the United States may be exposed to multiple liability.

22. The United States claims no beneficial interest in the Property.

WHEREFORE, plaintiff, United States, demands judgment:

(a) ordering defendants to interplead their respective claims to the Property;

(b) declaring which of the defendants is entitled to the Property, or some portion thereof;

(c) restraining each of the defendants from instituting any action against the United States for the recovery of the Property;

(d) relieving and discharging the United States, including any department, agent, office or employee of the United States, from liability with regard to the Property; and;

(e) awarding the United States its costs and attorneys' fees and such other relief as is just and proper.

Dated: New York, New York
April 15, 2008

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Southern District of New York
Attorney for the United States
of America

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